

**Ellistown and Battleflat
Neighbourhood Development Plan
Regulation 16 Consultation**



November 2018

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APPENDICES

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1 INTRODUCTION

1.1 Context

- 1.1.1 Gladman Developments Ltd (hereafter referred to as "Gladman") specialises in the promotion of strategic land for residential development and associated community infrastructure. From this experience, we understand the need for the planning system to deliver the homes, jobs and thriving local places that the country needs.
- 1.1.2 These representations provide Gladman's response to the submission version of the Ellistown and Battleflat Neighbourhood Plan (EBNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.3 Through these representations, Gladman provides an analysis of the EBNP and the policy decisions promoted within the Plan. Comments made by Gladman through these representations are provided in consideration of EBNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG¹.
- 1.1.4 In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the National Planning Policy Framework (the Framework) and the wider strategic policies for the area set out in the Council's adopted Development Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.
- 1.1.5 The EBNP should only be progressed if it meets the Neighbourhood Plan Basic Conditions, supported by a robust and proportionate evidence base.
- 1.1.6 The revised National Planning Policy Framework (NPPF2) was published by the Ministry of Housing Communities and Local Government on the 24th July 2018. As outlined in paragraph 214 of NPPF2, the transitional arrangements supporting this publication state that plans submitted before 24th January 2019 should continue to be examined against the policies in the previous Framework (March 2012). Whilst NPPF2 is a material consideration when dealing with planning applications, it is against the previous Framework (March 2012) that this response has been prepared.

¹ Section ID: 41

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- 1.1.7 The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent sustainable development opportunities from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the development needs for the area and assist local authorities in delivering full Objectively Assessed Needs (OAN) for housing. Policies that are not clearly worded or intended to place an unjustified constraint on further sustainable development from taking place are not consistent with the requirements of the Framework or the Neighbourhood Plan Basic Conditions.
- 1.1.8 The EBNP should not seek to include policies in the Neighbourhood Plan that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals contained in the EBNP should be designed to add value to existing policies and national guidance, as opposed to replicating their requirements.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 Neighbourhood Plans must be prepared against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The Basic Conditions that a neighbourhood plan must meet are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- d) The making of the order contributes to the achievement of sustainable development.
- e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

2.2 National Planning Policy Framework, & Planning Practice Guidance

National Planning Policy Framework

2.2.1 As outlined in the introduction of this submission, whilst the revised version of the NPPF was published on 24th July 2018, given the transitional arrangements set out within this it is on the basis of the previous NPPF (March 2012) that these representations have been drafted.

2.2.1 The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it provides guidance on the requirement for the preparation of neighbourhood plans to be in general conformity with the strategic priorities for the wider area and defines the role which neighbourhood plans can play in delivering sustainable development.

2.2.2 At the heart of the Framework, is a "*presumption in favour of sustainable development*" which, as outlined in paragraph 14, should be seen as a golden thread running through both plan-making and decision taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet Objectively Assessed Needs for housing, with sufficient flexibility to adapt to rapid change. This requirement is also applicable to neighbourhood plans.

2.2.3 Paragraph 16 of the Framework makes clear that the presumption in favour has implications for how communities engage in neighbourhood planning, stating that neighbourhoods should;

- *"Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *Identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed."*

2.2.4 Furthermore, paragraph 17 sets out that neighbourhood plans should define a succinct and positive vision for the future of the area and that neighbourhood plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. In addition, neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

2.2.5 Further guidance for groups involved with the production of neighbourhood plans is specified at paragraph 184;

"Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."

Planning Practice Guidance

2.2.6 It is clear from the requirements in the Framework that neighbourhood plan policies should be prepared in general conformity with the strategic requirements for the wider areas, as confirmed in an adopted Development Plan. The requirements set out in the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).

2.2.7 The PPG also emphasises that;

“...blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”

2.2.8 With further emphasis that;

“... All settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”²

2.2.9 Accordingly, the EBNP will need to ensure that it takes into account the latest guidance issued by the SoS so that it can be found to meet basic conditions (a) and (d).

² Paragraph: 044 Reference ID: 41-044-20160519 (Revised 19/05/2016).

3 DEVELOPMENT PLAN

3.1 Adopted Development Plan

- 3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.
- 3.1.2 The adopted development plan relevant to the preparation of the EBNP area, and the development plan which the EBNP will be tested against is the North-West Leicestershire Local Plan which was adopted on the 21st November 2017. The document sets out the visions, objectives, spatial strategy and overarching policies to guide development in the area up to 2031.
- 3.1.3 Within the adopted Local Plan, the village of Ellistown is designated as a Sustainable Village which is able to accommodate sustainable growth opportunities. However, it is important to note that the Council is required to undertake a review of its Local Plan in accordance with Policy S1 which makes clear that the Plan Review will be submitted for examination within two years from the commencement of the review. Through the Local Plan Review the Council is required to identify additional employment land in accordance with its Housing and Economic Development Needs Assessment (HEDNA) and the potential for additional housing arising from the unmet housing needs of Leicester City.
- 3.1.4 The EBNP should be mindful that changes in circumstance may occur over the duration of the next two years whilst the emerging Local Plan is being prepared. Ellistown is considered to be a sustainable village and as such may be required to assist in delivering further housing land to assist the Local Planning Authority in meeting its OAN in full. Accordingly, the policies contained in the EBNP should be worded as flexibly as possible so that the neighbourhood plan is not overridden upon adoption of the Local Plan review; as Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

"If to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be)."

4 ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN

4.1 Context

- 4.1.1 These representations are made in response to the current consultation on the submission version of the EBNP, under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.

4.2 Neighbourhood Plan Policies

- 4.2.1 This section of Gladman's representations is made in response to those policies which need to be addressed and amended through modification and/or deleted to meet the basic conditions, allowing a flexible and positive approach consistent with the requirements of national policy and guidance.

Policy S1: Ellistown limits to development and Policy S2: Land outside of Ellistown limits to development

- 4.2.2 The above policies only allow for development to be focused within the built-up area of Ellistown. Gladman is concerned that such an approach is likely to hinder the delivery of sustainable development opportunities. Indeed, this approach runs counter to the proactive approach required by the Framework and the need to boost significantly the supply of housing. The Framework is clear that development that is sustainable should go ahead without delay in accordance with the presumption in favour of sustainable development. In reality, the use of development limits creates a 'presumption against development' in all areas beyond an arbitrary line which will act to confine the physical growth of the settlement and hinder its vitality and viability.
- 4.2.3 Given that the Council is currently progressing a Local Plan review and that further housing land is likely to be needed, this policy should be revisited in order to provide a more positive and flexible approach to development on the edge of Ellistown. The following wording is submitted for consideration:

"Sustainable development within the built form, or immediately adjacent to Ellistown will be supported if the adverse impacts do not significantly and demonstrably outweigh the benefits of development."

Policy H1: Housing Provision

- 4.2.4 The above policy does not identify a housing requirement figure. As such, this policy requires windfall/infill development to meet the neighbourhood area's needs over the plan period.

Gladman is concerned that without identifying any housing land the Plan may fail to deliver its vision of ensuring 'that the area develops and grows in a way that is sustainable economically, socially and environmentally, and which enhances and improves the Parish in which we will.' Accordingly, this reinforces the need for flexibility to be built in to the plan with regards to development limits as suggested in paragraph 4.2.3 of these representations.

Policy H2: Affordable Housing

- 4.2.5 Gladman welcomes the inclusion of Policy H2 which seeks to ensure that new development include affordable housing and mix of housing types to meet identified needs of the Parish.
- 4.2.6 Although the principle of the above policy is supported, we would question how the neighbourhood plan will seek to achieve the delivery of affordable housing given that it does not allocate any sites for development and limits the ability of infill development to a maximum of 5 dwellings. It is therefore unrealistic to presume that development will be able to come forward and deliver a proportion of affordable housing as this will likely have an adverse impact on the viability of a development proposal. Furthermore, the policy wording suggests that there is an identified affordable housing need yet it is not supported by a robust assessment of housing needs. If the Parish Council wishes to secure affordable housing as part of development proposals then consideration of sites beyond the development limit should be considered especially when affordable housing is likely to be delivered as a proportion of mixed market and affordable housing developments.

Policy SCF3: Assets of Community Value

- 4.2.7 Although the principle of identifying assets of community value is supported, a list of assets has not been identified. At present, the above policy appears to be an aspirational policy and should therefore not be included in the main body of the EBNP and should be moved to an appendix to the plan.

5 SITE SUBMISSION

5.1 Land between Midland Road and Leicester Road, Ellistown

5.1.1 The Parish Council are aware of Gladman's land interest at land between Midland Road and Leicester Road. Gladman has considered the development options of the site to provide a comprehensive development scheme. A vision document demonstrating how the site could come forward can be found at appendix 1 of these representations. In summary, Gladman believes that the site can deliver the following benefits:

- The delivery of up to 185 new homes comprising a mix of house types and sizes to meet local housing needs.
- A policy compliant 20% affordable housing on site.
- Circa 30% of the site is proposed as open space for recreational activities including new footpaths and an equipped children's play area.
- Green infrastructure will play a key role in the delivery of the scheme and will seek to protect biodiversity and provide new hedgerow and tree planting through formal and informal green spaces. Overall, it is considered that the proposals will achieve a net gain in biodiversity.
- The creation of a high quality residential development which provides enhanced permeability within the local area, through the creation of footpath and cycle links whilst respecting the character of the surrounding area.
- Financial contributions will be made (where necessary) to local education, medical and library facilities helping to sustain the viability and vitality of the settlement over the plan period. Furthermore, contributions could also be made to local clubs and groups or other projects for the benefit of the local community.

5.1.2 The above represents only some of the benefits of the proposed scheme and we would welcome its consideration as a proposed allocation in the neighbourhood plan prior to the Plan being submitted for examination.

6 CONCLUSIONS

- 6.1.1 Gladman recognises the Government’s ongoing commitment to neighbourhood planning and the role that such plans have as a tool for local people to shape the development of their local community. However, it is clear from national guidance that the EBNP must be consistent with national planning policy.
- 6.1.2 In order for the Plan to proceed and meet all of the neighbourhood plan basic conditions, the Parish Council must ensure that its policies are based on robust and justified evidence and contain policies that provide sufficient flexibility. Through this consultation response, Gladman has identified a need for further flexibility to be drafted in to the policies of the Plan for the EBNP to meet the basic conditions. These modifications are considered necessary to ensure that the plan is compliant with national policy and allow for a degree of flexibility to assist North West Leicestershire in meeting its housing needs in full.
- 6.1.3 Should the examiner consider it necessary to discuss these issues in public, then Gladman formally request to participate at the hearing session(s).

APPENDIX 1 – VISION DOCUMENT

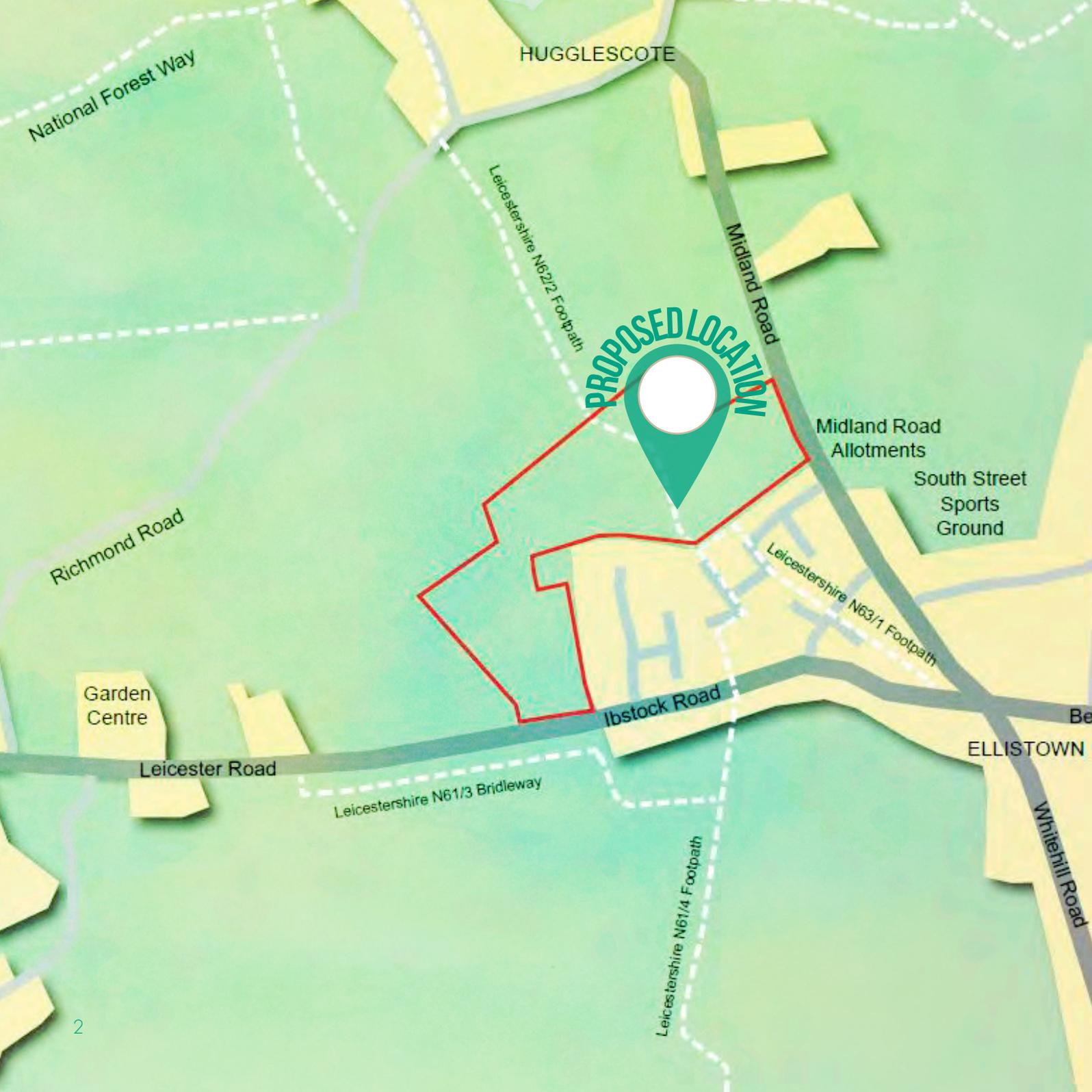
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THE VISION FOR LAND AT

LEICESTER ROAD ELLISTOWN



AUGUST 2018



HUGGLESCOTE

National Forest Way

Leicestershire N62/2 Footpath

Midland Road

PROPOSED LOCATION

Midland Road Allotments

South Street Sports Ground

Richmond Road

Garden Centre

Leicestershire N63/1 Footpath

Ibsstock Road

Leicester Road

Leicestershire N61/3 Bridleway

Be

ELLISTOWN

Leicestershire N61/4 Footpath

Whitehill Road

Gladman Land are a privately funded, family run business with over 30 years' experience in the land and development industry. From our beginnings in housebuilding, through to our success in commercial and industrial properties, we have evolved into the UK's largest and most successful land promoter.

Gladman wish to promote land at Leicester Road, Ellistown for residential development.

The site offers a good opportunity to ensure the delivery of sustainable, distinctive residential development in North West Leicestershire.



THE SITE

- Site Size: 9.59 hectares
- Number of units: Approximately 185 dwellings (including 20% affordable housing)
- Designation: Open Countryside

LAND OWNERSHIP & DELIVERY

- Land Ownership: The site has a small number of landowners who wish to make the site available for new homes.
- Gladman has a strong track record of its developments commencing on site within 18 months to 2 years from the grant of outline planning permission.
- Timescales for delivery: It is anticipated that the proposals would take approximately 5-6 years to complete, from commencement.

What could the development deliver ?

New Homes

185 new homes comprising a mix of house types and sizes.

As with all its schemes, Gladman will provide full policy compliant affordable housing on-site (20%).



Recreational Green Space

Circa 30% of the site is proposed as open space for recreational activities including new footpaths and an equipped children's play area.





Community

Appropriate contributions will be made to the local education, medical and library facilities.

Contributions could also be made to local clubs and groups, and local projects.



Biodiversity

Biodiversity of the site will be protected, diversified and improved through new hedgerow and tree planting and delivery of new garden spaces and formal and informal green spaces. Overall, the proposals can achieve a net gain in biodiversity.



- | | | | |
|---|--------------------------------------|---|--|
| 1 | Proposed site access | 5 | Proposed location for attenuation pond |
| 2 | Proposed residential development | 6 | Proposed trees |
| 3 | Proposed park space/grassland | 7 | Road alignment frames views to ST John the Baptist Church, Hugglescote |
| 4 | Existing boundary treatment retained | 8 | Potential alternative play area location |
|  | Site Boundary |  | Proposed footpath links |
| | |  | Existing Public Rights of Way |

Context & Facilities

-  Site Boundary
-  Primary School
-  Secondary School
-  Pub/Restaurant
-  Local Store/Post Office
-  Doctors Surgery
-  Church





Summary Points

- The site forms a logical extension to Ellistown.
- The site has two safe and suitable access points.
- The site is conveniently located close to existing services.

- Site boundary 9.59 Ha
- ① Contours
- ② Existing main vehicular routes
- ③ Views into site from existing dwellings
- ④ Existing Public Rights of Way
- ⑤ Existing pylon
- ⑥ Existing pylon corridor/overhead cables within site
- ⑦ Existing watercourse
- ⑧ Existing hedgerows/trees
- ⑨ Views across site towards St John the Baptist Parish Church at Hugglescote
- ⑩ Potential vehicular access point
- ⑪ Nearby village of Ibstock
- ⑫ Nearby village of Hugglescote
- ⑬ Views towards site from the North
- ⑭ Existing allotments
- ⑮ Existing balancing facility
- ⑯ Electricity cable within the site
- ⑰ Existing rising main pipe
- ⑱ Potential future pedestrian/cycle links



Landscape Character



- The site is visually well contained.
- The proposals create a softened edge to the development to help lessen its impact upon the existing landscape.

Biodiversity, Green Open Space & Local Wildlife



- Green infrastructure will be a key element of the proposals, providing screening along Leicester Road and the west of the village, as well as creating a new soft edge to the village to the north.
- Habitat enhancement provided on-site will increase local wildlife.
- The proposals include 2.93ha of public open space, including an equipped play area.

Flooding



- The site is in Flood Zone 1
- The annual probability of flooding is less than 0.1% (1 in 1000 year chance).

Heritage



- There are no designated or non-designated heritage assets on the site.
- It is not located close to any listed buildings or conservation areas and will cause no impact to the heritage significance of any heritage assets in the wider area.

Access & Highways



- Vehicular access is proposed from Leicester Lane to the south and Midland Road to the north east.
- It will provide quality sustainable pedestrian, cycle and public transport connections.
- Footpath N62/2 will be retained and incorporated into a green corridor through the site.

Framework Plan



Site boundary 9.59 Ha



Residential development 6.31 Ha
Up to 185 dwellings [c66%]
(Includes area for pump station and road
outside of development parcels @ 0.07 Ha)



Existing residential area



Retained trees/hedgerows



Existing allotments



Proposed public open space 2.93 Ha
with structural landscape [c30%]



Proposed balancing ponds 0.30 Ha



Proposed pumping station location



Proposed equipped play areas 0.05 Ha
[subject to specific local requirement]



Proposed main vehicular access routes



Existing Public Rights of Way



Proposed footpath/cycle links and
potential connections beyond site



Main vehicular access point



Potential pedestrian access points



Existing electricity pylon and
overhead cables



Existing watercourse



Locations safeguarded for potential
future pedestrian/cycle links



Proposed view corridors through
development to ST John Baptist Church



Next steps

Thank you for taking the time to look at our proposals. We would welcome your views and are happy to answer any questions that you may have.

We will keep you informed of any progress with the proposals.

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